

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-CR-20114-KMW**

UNITED STATES OF AMERICA,

v.

**CARLOS RAMON POLIT FAGGIONI,
Defendant.**

/

**FILTER TEAM'S UNOPPOSED MOTION TO PRODUCE AND FOR
A FED. R. EVID. 502(d) PROTECTIVE ORDER OVER DISCOVERY
MATERIALS THAT MAY CONTAIN POTENTIALLY PRIVILEGED
OR PROTECTED MATERIAL OF THIRD-PARTY JOHN POLIT**

The United States of America, by and through its assigned Filter Team,¹ respectfully files this motion seeking authorization to produce to Defendant Carlos Ramon Polit Faggioni discovery materials that may contain information potentially subject to the attorney-client privilege, attorney work product doctrine, or other privilege or protection belonging to a third-party, John Polit (the “Filter Material”), and that this material be subject to a protective order pursuant to Fed. R. Evid. 502(d).

Counsel for John Polit (Omar Ortega) has informed the parties that John Polit does not object to the procedure proposed in this motion.

Counsel for Defendant also does not object to the procedure proposed in this motion.

¹ DOJ Trial Attorney Lindita Ciko Torza serves as Filer Team attorney in this case. Filter Team attorneys are assigned to the U.S. Department of Justice, Criminal Division, Fraud Section’s Special Matters Unit and have a separate reporting and supervisory chain from the Prosecution Team. Filter Team attorneys are supported by paralegals and other professional staff who are not part of the Prosecution Team. The Filter Team attorney and her supporting staff only conduct the filter review and are not involved in the investigation or proceedings related to this matter.

The Filter Team has identified that certain material for which John Polit is a privilege holder and which is subject to discovery in this matter may contain information potentially protected by attorney-client privilege, attorney work product doctrine, or other privilege or protection. The materials at issue were obtained in response to a search warrant executed on a Google e-mail account associated with John Polit. The Filter Team ran searches for known attorneys and withheld all material that hit on the terms. Material that did not hit on the attorney terms were released to the prosecution team and produced to Defendant.

Pursuant to Fed. R. Evid. 502(d), the Court may order that any information potentially subject to the attorney-client privilege, attorney work product doctrine, or other privilege or protection shall not result in any subject matter waiver in this proceeding and will not result in the waiver of the attorney-client privilege, attorney work product doctrine, or any other applicable privilege or protection, in this or in any other Federal or State proceeding. In addition, pursuant to Fed. R. Crim. P. 16(d), the Court may regulate discovery and grant any appropriate relief. Accordingly, to comply with its discovery obligations and to avoid protracted litigation over any potential privileges or protections held by John Polit, the Government, through its Filter Team, respectfully requests that the Court enter a 502(d) protective order over the Filter Material and authorize the Filter Team to produce this material to Defendant.

The Filter Team also requests that the Court order that before using any of the Filter Material at trial, in public pre-trial proceedings, or otherwise in a manner that may lead to public disclosure or disclosure to the Prosecution Team, the Defendant:

(1) give notice prior to any such intended use to privilege holder John Polit that such use is anticipated by the Defendant, identifying the documents contemplated for use by Bates number, and

(2) if John Polit opposes use of the Filter Material by the Defendant, the Defendant shall submit the documents that are the subject of the notice to the Court under seal for in camera review, with notice to John Polit, in such manner reasonably calculated to permit the Defendant and John Polit to be heard by the Court in camera.

Accordingly, the Filter Team respectfully requests that this Motion be granted and that the Court issue an order pursuant to Federal Rule of Evidence 502(d), and that the material also be subject to the Protective Order issued in this case (ECF No. 53).

Dated: March 19, 2024

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA

GLENN S. LEON, CHIEF
CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE

By: /s/ Lindita V. Ciko Torza
LINDITA V. CIKO TORZA
TRIAL ATTORNEY
Florida Special Bar No. A5502988
United States Department of Justice
Criminal Division, Fraud Section
Special Matters Unit
1400 New York Avenue, N.W.
Washington, DC 20005
Office: (202) 616-2747
Cell: (202) 510-0558
Email: Lindita.Ciko.Torza@usdoj.gov

LOCAL RULE 88.9(a) CERTIFICATION

On March 18, 2024, undersigned counsel conferred via e-mail with counsel for Defendant and John Polit. Neither party opposes this motion.

By: /s/ Lindita V. Ciko Torza
Lindita V. Ciko Torza
Trial Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on March 19, 2024, I electronically filed and served the foregoing document using the CM/ECF system.

By: /s/ Lindita V. Ciko Torza
Lindita V. Ciko Torza
Trial Attorney